

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:11CR332
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
PEDRO MEZA-PEREZ,)	
)	
Defendant.)	

The Court has received the Revised Presentence Investigation Report (“PSR”) and the Defendant’s objections thereto (Filing No. 30). The Defendant also filed a motion for downward departure (Filing No. 31). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant objects to the lack of a role adjustment in ¶ 23, arguing that he is entitled to a at least a minor role reduction in offense level, and as much as a minimal role reduction. The objection will be heard at sentencing.

The motion for downward departure is denied as moot. The sole issue presented in the motion is the issue of a role reduction, which has been properly addressed in the objections to the PSR.

IT IS ORDERED:

1. The Defendant’s objections to ¶ 23 of the PSR will be heard at sentencing;
2. The Defendant's motion for downward departure (Filing No. 31) is denied as moot;

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 2nd day of April, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge